OIPE JC177
SEP 2 8 2004
PATENT & TRADEMARK OFFICE

PTO/SB/64 (11-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) RASMUS 3.3-001

First named inventor: Ole-Bendt Rasmussen

Application No: 09/926,310 Art Unit: 1761

Filed: October 11, 2001 Examiner: Not Yet Assigned

Title: FOOD PRODUCT WHICH ARTIFICIALLY HAS BEEN GIVEN A CELL-LIKE STRUCTURE BY COEXTRUSION OF SEVERAL COMPONENTS, AND METHOD AND APPARATUS FOR MANUFACTURING SUCH FOOD PRODUCT

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

[X] Small entity – fee $ $665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

[] Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

[] has been filed previously on _____ .

[] is enclosed herewith.

B. The issue fee of and publication fee (if required) $ $1,330.00 .

[X] has been paid previously on July 26, 2004 .

[] is enclosed herewith.

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STATEMENT ESTABLISHING UNINTENTIONAL DELAY:

This petition is being submitted in accordance with the recommendation set forth on page 4 of the Decision on Petition mailed September 17, 2004 in connection with the captioned application.

3. Terminal disclaimer with disclaimer fee

[X] Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

[] A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

September 27, 2004
Date

Shawn P. Foley
Signature

Telephone Number: (908) 518-6346

Shawn P. Foley - 33,071
Typed or printed name

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
Address

Enclosures:

[X] Fee Payment

[] Reply

[] Terminal Disclaimer Form

[X] Additional sheets containing statements establishing unintentional delay

[X] Other: Issue Fee Transmittal (copy as filed on 7/26/2004)